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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
AMUSEMENT INDUSTRY, INC., dba WESTLAND  
INDUSTRIES; PRATICAL FINANCE CO., INC.,

Plaintiffs,

-against-

MOSES STERN, aka MARK STERN,  
JOSHUA SAFRIN,  
FIRST REPUBLIC GROUP REALTY, LLC,  
EPHRAIM FRENKEL,  
LAND TITLE ASSOCIATES ESCROW

Defendants.  
-----X

No. 07 CIV.  
11586(LAK)(GWG)

NOTICE  
OF MOTION

**PLEASE TAKE NOTICE**, that upon the annexed Affidavit of Stephen R. Stern, duly sworn to on February 27, 2008, the exhibits annexed thereto, the accompanying Memorandum of Law in Support of Motion to Dismiss, Defendants Moses Stern, First Republic Group Realty, LLC, Ephraim Frenkel and Land Title Associates Escrow, will move this Court before the Honorable Lewis A. Kaplan, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York, on submission or at such time as the Court may direct, for an order dismissing with prejudice, the Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state a claim upon which relief can be granted, and for such other and further relief in favor of said Defendants as the Court deems appropriate.

Dated: New York, New York  
February 27, 2008

HOFFINGER STERN & ROSS, LLP  
Attorneys for Defendants Moses Stern, First  
Republic Group Realty, LLC, Ephraim  
Frenkel and Land Title Associates Escrow



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